PRESERVED

App. F. IX-4

Previous References

193 6.
(37).

37

File No. 293-36

Serial Nos. 1-2

Pressure

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1100

P26-E

Part B for June 37.

SUBJECT.

Legal opinion re: issue of 6¼% Bonds of the Value of Rs 1037-8-0 pending on the application lodged by Mrs Gangamma, guardian and mother of Murgiappa (minor)

Sec

No. JE 7657 & 25-6-37.
Do. The Comptroller & Govt.

WD 03607—GPB—22,500—2-8-35

Forwards legal opinion

Serial No.	
1	Letter No: 3074/S-2-85-6-36 from the Comptr requests orders on certain points re: issue of 6½% bonds of the value of Rs 1037 pending on the application dt 26-8-1920 tendered by Mrs: Ganganna, guardian and brother of Munigappa (minor).
Issue W 8/6	1) Submit with a draft acknowledging the receipt of the papers.
	2 This may perhaps be referred to the Law Dept for opinion
	3 Asst Secy, Law Dept with compliments for favour of advice. W 8/6
296 Law BKR 8/6	4) The loan application form shows that the amount was subscribed in the name of the minor Munigappa by withdrawing from the Govt Savings Bank Account which stood in the name of his deceased father Mr Channa Veerappagowda. In the absence of necessary records, it is to be presumed that such a withdrawal was duly permitted. There seems to be therefore no difficulty in holding that the amount withdrawn and subscribed was the property of the minor Munigappa.
	5- After Munigappa's death, his mother Ganganna was asked to produce a succession certificate, as there was a counter claim from the uncle of the minor. But the manner also

NOTE—Contn. Sheet.

WD 0417--GPB—30,000-8-9-36

Serial No.

died without procuring the certificate.

6. Kenjagatta gowda is said to be the undivided brother of the minor Muniyappa's father Channaveerappagowda now dead Gangamma is dead, it is immaterial whether Kenjagatta gowda and Channaveerappa gowda were divided or undivided in interest, as in either case, Kenjagatta gowda would succeed to the minor's estate. Kenjagattagowda obtained a succession Certificate to the amount in question; but as there appeared to be some mistakes, he was asked to get them corrected in the Certificate, and before he could do so, he also died. Now his son Veerappa gowda has obtained the succession Certificate and to the estate of his Kenjagatta gowda, and in the Schedule the minor's subscription to the loan is mentioned;

7. The succession certificate is intended to facilitate the Collection of debts on successions and afford protection to parties paying debts to the representatives of the deceased persons;

Serial No.

the right of succession can never remain in abeyance. The estate of Muniyappa vested after his death, (and after his mother's death, if his father and Kenjayappagowda were divided in interest) in Kenjayappagowda and after the latter's death in his son Veerappagowda. It follows therefore that Veerappagowda has to obtain a certificate to Kenjayappa's estate. For the sake of clearness the schedule refers to the estate of Muniyappa which has by then become the estate of Kenjayappagowda. I think therefore the certificate may be acted upon and the bonds issued in the name of Veerappagowda.

8. I may also add that Section 16 provides that the Certificate with respect to debts and Securities Specified therein be Conclusive as against the persons owing such debts or liable on such Securities and shall notwithstanding any defects, afford full indemnity to all such persons as regards all payments made in good faith in respect of such debts or Securities.

9. The Succession Certificate obtained by the deceased Kenjayappagowda

NOTE—Contn. Sheet.

WD 0417--GPB—80,000-8-9-36

6907

4694/36

G.2 File No. 293 of 1936

General and Revenue Secretariat

Serial No.

may also be obtained from Veerappa Sahib

BKR 19.6.37

Asst Secy Fin. for W.C.

Draft Pursup.

W 22/6

Pl Secy

W 22/6

W 22/6 :—

Issue W. 22/6

No. 76 7657 dt 25.6.37 to the Comptroller forwarding copy legal opinion

GEN. & REV SEC'TE

23 JUN

MM 24/6

VA2371

C.g- 293-36-1

In reply please quote reference to No. 3674/82

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

Bangalore, dated 2nd June 1937.

FINANCIAL SECRETARY'S OFFICE FROM 5 JUNE 1937 No. 11

FINANCIAL 4699 7 JUNE 1937 SECL & REV. S

A. N. RAGHAVACHAR, Esq., M.A.,
Comptroller to the Government of His Highness the Maharaja of Mysore,
Bangalore.

To

Rajaseva Nipuna
S. Shamanna, Esq., B.A.,
Financial Secretary to the Govt. of Mysore
Bangalore.

SIR,

Re. Issue of 6½% bonds of the value of Rs 1037-8-0 pending on the application dated 26-8-1920 tendered by Mrs. Gangamma, guardian and mother of Murigappa - (minor).

I have the honor to forward herewith the records relating to the above case and to state as under :-

1. A sum of Rs 1037-8-0 was subscribed towards the above loan application by withdrawal from Government Savings Bank Account No.346 which stood in the name of the minor's father, Mr. Channaveerappa Gowda, though the loan application itself bears the thumb mark of the mother guardian Gangamma, as subscriber, for her minor son Murigappa. In the loan application dated 26-8-1920, the father Channaveerappa is stated to be dead, and it is perhaps for this reason that the application bears the thumb mark of the mother, as guardian and subscriber instead of the father. Whether the amount from the S.B. Account was drawn by the father himself, before his death, with intention to subscribe to the 6½% Loan in the name of his minor son or whether the withdrawal by the wife of the deceased was specially permitted by the Treasury Officer (though that was not permissible) is not clear, as the vouchers etc. relating thereto have been destroyed, after the lapse of the prescribed period.

As the loan application however bears the mother's thumb mark as subscriber for her son and as the amount stands credited to the Loan the question for consideration is whether the amount withdrawn and subscribed may be treated as the property of the minor

Murigappa under the guardianship of his mother Gangamma.

2. The bonds would have however been issued in the usual course to the minor Murigappa, in whose name the money had been invested if he had lived and certain requirements called for by this office had been complied with. But as he was later reported dead, his mother Gangamma was asked to produce a Succession Certificate from a competent Court of law for the bonds being issued in her name, as there were counter-claims from an uncle of the minor. The mother Gangamma also died subsequently without producing any Certificate.

3. The brother of the minor's father, by name Kenjagappa Gowda then obtained a Succession Certificate to the minor's estate, which was returned for certain corrections being made in the description of the estate. Before he could get the corrections made, Kenjagappa also died and the bonds were not issued at all.

4. Veerappa Gowda, the son of Kenjagappa Gowda has now claimed issue of the bonds in his name on the strength of a Succession Certificate obtained by him to the estate of his father Kenjagappa Gowda by mentioning in the schedule, the minor's subscription to 6½% loan also. The Succession Certificate is also enclosed for kind reference.

5. The points requiring settlement are, whether on the mere entry in the loan application, the subscribed amount may be treated as the property of minor Murigappa without any certificate being obtained and if so whether the Succession Certificate now obtained by Veerappa Gowda, to the estate of his father Kenjagappa Gowda mentioning in the Schedule, the 6½% loan amount also, subscribed not by himself but by somebody else on behalf of Murigappa, may be accepted and the bonds issued in the name of Veerappa Gowda, though his father Kenjgappa Gowda, did not himself get the bonds issued in his name and was not the holder of the bonds. It is also a point for orders, whether the Succession Certificate obtained by Kenjagappa Gowda should also be obtained and registered together with the Succession Certificate now obtained by Veerappa Gowda, before issuing

the bonds in the name of the latter.

The above points lead to a general question whether it is enough for the Public Debt Office to see that the grantee of the ~~Stock~~ Succession Certificate is empowered to draw interest, negotiate etc in respect of the securities mentioned in the Schedule and if it is unnecessary to see whether the previous holder of a Security is correctly described, the reference to the estate being - - completely ignored.

The connected file of records is sent herewith.

The receipt of the records and Succession Certificate may be kindly acknowledged and they may be returned when done with.

I have the honor to be,
Sir,
Your most obedient servant,

Comptroller.

Appendix F G—1]

4654
H.

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. H 7508

To

The Collector,

Sir.

General and Revenue Secretariat

( )

the *193* .

I am directed to acknowledge the receipt of the files of records forwarded with your letter no. 3074/S-2. dt 5.6.37 regd: issue of 6½% bonds pending on the application dt 26.8.20 tendered by Mrs: Gangamma, guardian & mother of Murigappa

I have to

Date of issue 7/6/37

Signed by Mr K.V. Rao

TYPING SECTION
8 JUN 1937
GEN.

W
8/6
for Financial Secretary to Govt.

List of enclosures.....

26 MM
8/6/37

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

Appendix F G—1]

SUBJECT.....

.....

.....

Section G.7

File No. 83-36

Serial No. 2

No. 76857/Ex 1

Diary No. of letter replied to.....

To

The Comptroller to Govt.

Sir,

I have the issue of 6½% bonds of ~~the~~ value of Rs 1037-8-0 pending on the application dt 26.8.1920 tendered by Mrs: Gangamma, guardian & mother of Nanjappa

---

With reference to your letter No: 3074/Ex-dg 5.6.37 on the above subject, I am directed to enclose herewith a copy of the legal opinion in the matter. The Connected papers are herewith returned.

I have &c.

General and Revenue Secretariat

( )

the *193*

Date of issue 25/6

Signed by Mr. KV. Rao

Has please refer para 4b of the notes)

List of enclosures.....

Copied by .....

Examined by.....

WD 0360—GPB—30,000—23-9-35

25/6

25/6

Financial Secy to Govt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Dc 765 7/Ecc 1 Dated, Bangalore, 24th June 193 7

From

The *Financial Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Comptroller to Government,
Bangalore.

Sir,

Re. issue of 6¼% bonds of the value of Rs.1037-8-0 pending on the application dated 26th August 1920 tendered by Mrs. Gangamma, guardian and mother of Murigappa.

With reference to your letter No.3074/S.L. dated 5th June 1937 on the above subject, I am directed to - - enclose herewith a copy of the legal opinion in the matter. The connected records are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

K Venkata Ram
for Financial Secretary to Government.

TRM.2